



Prof. dr. Miguel De Jonckheere, Dean of the faculty Law and Criminology, kindly invites you to the public defence to obtain the academic degree of

DOCTOR OF LAWS

of Ms. Paola Giacalone

which will take place on

Friday 20 September 2024 at 10 a.m.
in Auditoria I.0.03 and [online](#)

at the VUB Main Campus, Pleinlaan 2, 1050 Etterbeek.

THE CONTEMPORARY RELEVANCE OF ABUSE OF RIGHTS DOCTRINE IN INTERNATIONAL LAW. ITS APPLICATION BY INTERNATIONAL COURTS AND ARBITRAL TRIBUNALS

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This is a Joint PhD with the University of Naples Federico II

If you can not come in person, you can watch the defence online by Microsoft Teams. A map of the campus and directions to reach the VUB can be found [here](#). If you are coming by car, please [register](#) your numberplate here in advance for easy parking access. Then take entrance 6 at road N206 and you can park underneath building I.



Abstract

In the ever-evolving landscape of international law, abuse of rights has emerged as a critical and dynamic principle which demands close examination and scrutiny. This thesis explores the contemporary significance of the abuse of rights in international law, unravelling its multiple dimensions, implications, and broader consequences. The intricate connection between international legal systems and norms is the starting point for elucidating the enduring relevance of this principle in a world characterised by complex interactions, diverse actors, and evolving challenges.

Deeply rooted in civil legal traditions around the world, the abuse of rights principle transcends borders and legal systems. It finds expression not only in domestic case-law but also in international courts and organisations.

Chapter 1 examines the historical origins and evolution of the abuse of rights, dissecting its fundamental elements, including the distinctions between the abuse of rights and the abuse of process. This will unravel the principles' impact on international case law and offer insights into their applicability in various international contexts.

Chapter 2 extends the investigation to the influence of rights abuse in shaping the decisions and judgments of prominent international judicial and quasi-judicial bodies, including the International Court of Justice, the World Trade Organization, and the European Court of Human Rights.

Furthermore, in the field of international investment law, Chapter 3 examines the intricate dynamics surrounding the nationality of investors, corporate restructuring, treaty shopping and parallel proceedings. Through meticulous analysis, this chapter examines the implications of these practices on the legitimacy of investment law and the application of the abuse of process principle by investment tribunals.

In an era marked by new sovranism, evolving state practices, and the emergence of new challenges, the abuse of rights principle stands as a critical tool in maintaining the integrity and effectiveness of international legal systems and the good administration of justice.

Throughout this thesis, the enduring relevance and profound impact of the abuse of rights in international law will be revealed, reaffirming its status as a cornerstone principle and a necessary remedy in the pursuit of justice, fairness, and legal order on the global stage.